



CITY OF MORGAN HILL
COUNCIL CHAMBERS

17555 PEAK AVENUE MORGAN HILL CALIFORNIA 95037

COUNCIL MEMBERS

Dennis Kennedy, Mayor
Larry Carr, Mayor Pro Tempore
Hedy L. Chang, Council Member
Greg Sellers, Council Member
Steve Tate, Council Member

REDEVELOPMENT AGENCY

Dennis Kennedy, Chair
Hedy L. Chang, Vice-Chair
Larry Carr, Agency Member
Greg Sellers, Agency Member
Steve Tate, Agency Member

WEDNESDAY, DECEMBER 4, 2002

AGENDA

JOINT MEETING

CITY COUNCIL SPECIAL AND REGULAR MEETING

and

REDEVELOPMENT AGENCY SPECIAL MEETING

6:05 P.M.

*A Special Meeting Is Called at 6:05 P.M. for the Purpose of
Conducting Closed Sessions.*

Dennis Kennedy, Mayor/Chairman

CALL TO ORDER

(Mayor/Chairperson Kennedy)

ROLL CALL ATTENDANCE

(City Clerk/Agency Secretary Torrez)

DECLARATION OF POSTING OF AGENDA

Per Government Code 54954.2

(City Clerk/Agency Secretary Torrez)

6:05 P.M.

City Council Action and Redevelopment Agency Action

CLOSED SESSION:

1.

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Significant Exposure/Initiation of Litigation

Authority: Government Code Sections 54956.9(b) & (c)
Number of Potential Cases: 2

2.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Case Name: Drivers' Placement v. City of Morgan Hill
Case Number/Court: Santa Clara Superior Court Case No. CV788941
Attendees: City Manager, City Attorney, Special Counsel Dan Siegel, Public Works Director

3.

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

Legal Authority: Government Code Section 54965.9(a)
Case Name: Morgan Hill Unified School District v. Minter & Fahy
Case No.: Santa Clara County Superior Court, No. CV 772368
Attendees: City Council, City Manager, City Attorney, Mark Strombotne, Special Counsel

OPPORTUNITY FOR PUBLIC COMMENT

ADJOURN TO CLOSED SESSION

RECONVENE

CLOSED SESSION ANNOUNCEMENT

7:00 P.M.

SILENT INVOCATION

PLEDGE OF ALLEGIANCE

- 1) **NOVEMBER 5, 2002 GENERAL MUNICIPAL ELECTION - CERTIFIED STATEMENT OF ELECTION RESULTS** 1
Recommended Action: Adopt Resolution No. 5627 of the City Council of the City of Morgan Hill Reciting the Facts of the General Municipal Election of November 5, 2002.

OATHS OF OFFICE:

Mayor - Elect Dennis Kennedy
Council Member -Elect Greg Sellers
Council Member -Elect Steve Tate
(City Clerk Torrez)

2) **SELECTION OF CITY COUNCIL MAYOR PRO TEMPORE AND REDEVELOPMENT AGENCY VICE-CHAIR** 3

Recommended Action(s):

City Council:

1. **Open Floor** To Nomination(s) for Mayor Pro Tempore; and
2. **Select** Council Member to Serve as Mayor ProTempore per City Council Policy.

Redevelopment Agency:

1. **Open Floor** To Nomination(s) for Vice-Chair; and
2. **Select** Agency Member to Serve as Vice-Chair per Redevelopment Agency Bylaws.

PRESENTATION

Recognition Plaque to the City of Morgan Hill re: Croy Fire
Steve Woodill
California Department of Forestry

ANNOUNCEMENTS

Morgan Hill Community and Cultural Center Grand Opening Events
Council Members Sellers & Tate

CITY COUNCIL REPORT

Council Member Chang

CITY MANAGER'S REPORT

CITY ATTORNEY'S REPORT

OTHER REPORTS

Library Project Bond Results
Council Member Tate

PUBLIC COMMENT

NOW IS THE TIME FOR COMMENTS FROM THE PUBLIC REGARDING ITEMS NOT ON THIS AGENDA.

(See notice attached to the end of this agenda.)

PUBLIC COMMENTS ON ITEMS APPEARING ON THIS AGENDA WILL BE TAKEN AT THE TIME THE ITEM IS ADDRESSED BY THE COUNCIL. PLEASE COMPLETE A SPEAKER CARD AND PRESENT IT TO THE DEPUTY CITY CLERK.

(See notice attached to the end of this agenda.)

PLEASE SUBMIT WRITTEN CORRESPONDENCE TO THE CITY CLERK/AGENCY SECRETARY. THE CITY CLERK/AGENCY SECRETARY WILL FORWARD CORRESPONDENCE TO THE CITY COUNCIL/REDEVELOPMENT AGENCY.

City Council Action

CONSENT CALENDAR:

ITEMS 3 - 10 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

Time Estimate	Page
Consent Calendar: 1 - 10 Minutes	
3) <u>ANNUAL REPORT ON ADVANCED LIFE SUPPORT SERVICES</u>	7
Recommended Action(s): <u>Accept</u> Report from Santa Clara County Fire Department for Advanced Life Support (ALS) Services From July 2001 to August 2002.	
4) <u>AMENDMENT TO LEASE WITH GAVILAN COMMUNITY COLLEGE</u>	11
Recommended Action(s):	
1. <u>Authorize</u> the City Manager to do Everything Necessary to Prepare and Execute a Lease Amendment with Gavilan Community College;	
2. <u>Appropriate</u> \$15,000 in the General Fund's Community and Cultural Center Budget and Increase Revenue Projections for the General Fund by \$15,000; and	
3. <u>Authorize</u> the Addition of a One-Half Time (.5 FTE) Janitorial Position in the Community and Cultural Center Budget	
5) <u>AWARD OF CONTRACT FOR DOWNTOWN TRANSIT CENTER AT-GRADE PEDESTRIAN CROSSING PROJECT</u>	31
Recommended Action(s):	
1. <u>Appropriate</u> \$45,600 From our Unappropriated Redevelopment Agency Fund Balance to Fully Fund This Project; and	
2. <u>Award</u> Contract to McGuire and Hester for the Construction of the Downtown Transit Center At-Grade Pedestrian Crossing Project in the Amount of \$137,916.00.	
6) <u>GENERAL PLAN IMPLEMENTATION REPORT FOR FISCAL YEAR 2001-2002.</u>	35
Recommended Action(s): <u>Accept</u> Report by Minute Action.	
7) <u>2002-2003 HAZARDOUS VEGETATION PROGRAM</u>	55
Recommended Action(s): <u>Adopt</u> Resolution No. 5626 Declaring Weeds and Brush to be a Nuisance and Setting February 5, 2003 as the Date for the Public Hearing Regarding Weed Abatement; and June 4, 2003 as the Date for the Public Hearing Regarding Brush Abatement.	
8) <u>ADOPT ORDINANCE NO. 1597, NEW SERIES.</u>	59
Recommended Action(s): <u>Waive</u> the Reading, and <u>Adopt</u> Ordinance No. 1597, New Series, and <u>Declare</u> That Said Title, Which Appears on the Public Agenda, Shall Be Determined to Have Been Read by Title and Further Reading Waived; Title as follows: An Ordinance of the City Council of the City of Morgan Hill Approving an Amendment to Ordinance No. 1530, New Series, Amending the Development Agreement for Application MP 99-26: Malaguerra-Ansuini/Mancias to Incorporate a Five-month Extension of Time for Seven Building Allotments in Phase One and a Six-month Extension of Time for Six Building Allotments in Phase Two. (APN 728-35-016; 728-35-017)	
9) <u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR NOVEMBER 13, 2002</u>	65
10) <u>APPROVE SPECIAL CITY COUNCIL MEETING MINUTES FOR NOVEMBER 13, 2002</u>	67

City Council Action

PUBLIC HEARINGS:

	<u>Time Estimate</u>		<u>Page</u>
11)	2 Minutes	<u>DEVELOPMENT AGREEMENT DA 02-10: E. DUNNE AVENUE-FIRST COMMUNITY HOUSING</u>	69
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Continue</u> Item to City Council Meeting of December 18, 2002.	
12)	2 Minutes	<u>DEVELOPMENT AGREEMENT AMENDMENT DAA 01-06: COCHRANE-COYOTE ESTATES</u>	71
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Continue</u> Item to City Council Meeting of December 18, 2002.	
13)	2 Minutes	<u>DEVELOPMENT AGREEMENT DA 02-07: SHAFER-BAMDAD</u>	73
		Public Hearing Opened. Please Limit Your Remarks to 3 Minutes. Public Hearing Closed. Council Discussion. Action- <u>Continue</u> Item to City Council Meeting of December 18, 2002.	

City Council Action

OTHER BUSINESS:

	<u>Time Estimate</u>		<u>Page</u>
14)	5 Minutes	<u>WAIVER OF POTENTIAL CONFLICT OF INTEREST WITH STANDARD FUSEE CORPORATION</u>	75
		Recommended Action(s): 1. Council Discretion As to Whether to Waive Potential Conflict of Interest Between the City of Morgan Hill and Standard Fusee Corporation; and 2. If Council Decides to Waive the Conflict of Interest, Authorize the City Manager to Execute the Waiver of the Conflict of Interest.	
15)	5 Minutes	<u>MEXICAN AMERICAN COMMUNITY SERVICES AGENCY INC. (MACSA) REQUEST FOR FUNDING</u>	81
		Recommended Action(s): Council Discussion and Direction .	
16)	5 Minutes	<u>PROPOSED AMENDMENTS TO THE SANTA CLARA COUNTY CITIES ASSOCIATION BYLAWS</u>	89
		Recommended Action(s): Review and Forward Council Recommendation(s) Regarding Proposed Cities Association Bylaw Amendments.	
17)	10 Minutes	<u>REVIEW OF CITY COUNCIL COMMITTEES AND APPOINTMENTS TO OUTSIDE AGENCIES</u>	99

Recommended Action(s):

1. **Review** the Current List of Assignments and Appointments and Make Suggested Changes to the Mayor;
2. Mayor to **Appoint** Council Members to Serve on the Various Council Committees and Outside Agencies, Subject to City Council Approval; and
3. **Direct** the City Clerk to Notify the Appropriate Agencies of Amended Assignments.

City Council and Redevelopment Agency Action

CONSENT CALENDAR:

ITEMS 18 - 19 The Consent Calendar may be acted upon with one motion, a second and the vote, by each respective Agency. The Consent Calendar items are of a routine or generally uncontested nature and may be acted upon with one motion. Pursuant to Section 5.1 of the City Council Rules of Conduct, any member of the Council or public may request to have an item pulled from the Consent Calendar to be acted upon individually.

- 18) **APPROVAL OF SPECIAL AND REGULAR CITY COUNCIL AND SPECIAL REDEVELOPMENT AGENCY MEETING MINUTES OF NOVEMBER 20, 2002** 123
- 19) **APPROVAL OF SPECIAL CITY COUNCIL MEETING MINUTES OF NOVEMBER 13, 2002** 157

FUTURE COUNCIL-INITIATED AGENDA ITEMS:

Note: in accordance with Government Code Section 54954.2(a), there shall be no discussion, debate and/or action taken on any request other than providing direction to staff to place the matter of business on a future agenda.

ADJOURNMENT

RECEPTION
For Incoming Council Members
(Lobby)